

Appln. No. 10/620,832

Attorney Docket No. 10114-15
Client Reference No. 03-636

II. Remarks

Claims 1-16 are rejected and pending. By this Paper, claims 15 and 16 have been canceled. With the remarks provided below, Applicants respectfully request reconsideration and a withdrawal of all rejections.

Responsive to the rejections of claims 1-16 under 35 U.S.C. § 103(a), the combination of *Manke* (U.S. Patent No. 6,469,073), *Clere* (U.S. Patent Publication No. 2002/0006511), and *Serhatkulu* does not teach all of the elements of each of the independent claims 1 and 14. For example, claim 1 (see also claims 4, 5, and 9) of the present application recites "diffusing a coating agent in a supercritical fluid between layered particles of a graphite structure defining contacted graphite particles." The combination of the cited references does not teach or suggest "diffusing a coating agent" as recited in claim 1 (and any of claims 4, 5, or 9) of the present application. In particular, *Manke* teaches a method of delaminating a layered silicate (non-graphite) by contacting layered silicate particles with a supercritical fluid and depressurizing the particles to define a treated silicate (non-graphite). *Manke* further teaches incorporating the treated silicate with a polymer. Moreover, *Clere* simply teaches a method of making delaminated hexagonal boron nitride powder by a milling process. As the *Clere* process is relatively a mechanical milling process, no diffusing of a coating agent is taught therein. Furthermore, *Serhatkulu* merely teaches that carbon dioxide-soluble additives may be added to coat delaminated clay surfaces during supercritical process treatment. Thus, the combination of the cited references does not teach or suggest "diffusing a coating agent in a supercritical fluid between layered particles of a graphite structure defining contacted graphite particles" as recited in claim 1 (and any of claims 4, 5, or 9) of the present application.

Further responsive to the rejections of claims 1-16 under 35 U.S.C. § 103(a) based on the combination of *Manke*, *Clere*, and *Serhatkulu*, the rationale of combining these references for rejecting claims 1-6 is an improper piecemeal interpretation of the cited references. Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole. M.P.E.P. § 2141.02

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(emphasis added). "In Determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02; *Stratoflex, Incl. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983); *See also, Schenck v. Nortron Corp.*, 713 F.2d 782 (Fed. Cir. 1983). For example, the Examiner has improperly combined a quote from *Clere* ("similar to that of graphite") and data from *Serhatkulu* (use of CO₂-soluble additives to coat delaminated clay surfaces) with the teachings in *Manke* to reject claim 1-14 of the present application. As a whole, there is simply no suggestion or motivation to combine *Manke* in view of *Clere* and *Serhatkulu*. Such combination is impermissible hindsight and piecemeal.

Moreover, claim 2-13 generally depend from claim 1. Thus, claims 2-13 are allowable for the reasons provided above.

Thus, claim 1-14 are in a condition for allowance and such action is earnestly solicited.

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Date

Respectfully submitted,


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